



March 20, 2009

ENGROSSED SENATE BILL No. 437

DIGEST OF SB 437 (Updated March 18, 2009 3:48 pm - DI 97)

Citations Affected: IC 27-8; IC 27-13; noncode.

Synopsis: Coverage for cancer chemotherapy. Specifies that an accident and sickness insurer and a health maintenance organization: (a) must process a claim for coverage for oral chemotherapy on the same basis as for coverage for injected or intravenous chemotherapy; and (b) may not make coverage subject to certain less favorable expenses related to oral chemotherapy as compared to the expenses related to injected or intravenous chemotherapy.

Effective: July 1, 2009.

**Becker, Lawson C, Simpson, Gard,
Breau, Rogers, Sipes, Mishler,
Errington, Charbonneau**

(HOUSE SPONSORS — WELCH, CROUCH, LAWSON L, BROWN T)

January 14, 2009, read first time and referred to Committee on Health and Provider Services.

February 12, 2009, amended, reported favorably — Do Pass.

February 17, 2009, read second time, ordered engrossed.

February 18, 2009, engrossed.

February 19, 2009, read third time, passed. Yeas 49, nays 1.

HOUSE ACTION

March 3, 2009, read first time and referred to Committee on Insurance.

March 19, 2009, amended, reported — Do Pass.

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March 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 437

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-8-32 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]:

4 **Chapter 32. Coverage for Chemotherapy**

5 **Sec. 1. This chapter applies to a policy of accident and sickness**
6 **insurance that provides coverage for cancer chemotherapy.**

7 **Sec. 2. As used in this chapter, "cancer chemotherapy" means**
8 **medication that is prescribed by a physician to kill or slow the**
9 **growth of cancer cells.**

10 **Sec. 3. As used in this chapter, "insured" means an individual**
11 **who is entitled to coverage under a policy of accident and sickness**
12 **insurance.**

13 **Sec. 4. As used in this chapter, "policy of accident and sickness**
14 **insurance" has the meaning set forth in IC 27-8-5-1.**

15 **Sec. 5. (a) An insurer that issues a policy of accident and**
16 **sickness insurance shall process a claim for coverage for orally**
17 **administered cancer chemotherapy under the policy of accident**

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1 and sickness insurance on the same basis as the insurer processes
 2 a claim for cancer chemotherapy that is administered
 3 intravenously or by injection.

4 (b) Coverage for orally administered cancer chemotherapy
 5 under a policy of accident and sickness insurance must not be
 6 subject to dollar limits, copayments, or deductibles that are less
 7 favorable to an insured than the dollar limits, copayments, or
 8 deductibles that apply to coverage for cancer chemotherapy that
 9 is administered intravenously or by injection under the policy of
 10 accident and sickness insurance.

11 SECTION 2. IC 27-13-7-20 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2009]: Sec. 20. (a) This section applies to an individual contract
 14 or a group contract that provides coverage for cancer
 15 chemotherapy.

16 (b) As used in this section, "cancer chemotherapy" means
 17 medication that is prescribed by a physician to kill or slow the
 18 growth of cancer cells.

19 (c) A health maintenance organization shall process a claim for
 20 coverage for orally administered cancer chemotherapy under an
 21 individual contract or a group contract on the same basis as the
 22 health maintenance organization processes a claim for cancer
 23 chemotherapy that is administered intravenously or by injection.

24 (d) Coverage for orally administered cancer chemotherapy
 25 under an individual contract or a group contract must not be
 26 subject to dollar limits, copayments, or deductibles that are less
 27 favorable to an enrollee than the dollar limits, copayments, or
 28 deductibles that apply to coverage for cancer chemotherapy that
 29 is administered intravenously or by injection under the individual
 30 contract or group contract.

31 SECTION 3. [EFFECTIVE JULY 1, 2009] (a) IC 27-8-32, as
 32 added by this act, applies to a policy of accident and sickness
 33 insurance that is issued, delivered, amended, or renewed after
 34 December 31, 2009.

35 (b) IC 27-13-7-20, as added by this act, applies to an individual
 36 contract or a group contract that is entered into, delivered,
 37 amended, or renewed after December 31, 2009.

38 (c) This SECTION expires December 31, 2014.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 437, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, after "applies" insert "**beginning January 1, 2010,**".

Page 2, line 6, delete "June 30," and insert "**December 31,**".

Page 2, line 10, delete "June 30, 2009," and insert "**December 31, 2009,**".

Page 2, line 13, delete "June 30, 2009." and insert "**December 31, 2009.**".

Page 2, line 16, after "applies" insert "**beginning January 1, 2010,**".

Page 2, line 30, delete "June 30," and insert "**December 31,**".

Page 2, line 34, delete "June 30, 2009," and insert "**December 31, 2009,**".

Page 2, line 37, delete "June 30, 2009." and insert "**December 31, 2009.**".

Page 2, line 40, delete "June" and insert "**December 31, 2009.**".

Page 2, delete line 41.

Page 3, line 2, delete "June 30, 2009." and insert "**December 31, 2009.**".

Page 3, line 3, delete "June 30, 2014." and insert "**December 31, 2014.**".

and when so amended that said bill do pass.

(Reference is to SB 437 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Senate Bill 437, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "beginning January 1, 2010,".

Page 1, line 16, after "5." insert "**(a) An insurer that issues a policy of accident and sickness insurance shall process a claim for**

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coverage for orally administered cancer chemotherapy under the policy of accident and sickness insurance on the same basis as the insurer processes a claim for cancer chemotherapy that is administered intravenously or by injection.

(b)".

Page 2, delete lines 6 through 14.

Page 2, line 17, delete "beginning January 1,".

Page 2, line 18, delete "2010,".

Page 2, line 23, after "(c)" insert "A health maintenance organization shall process a claim for coverage for orally administered cancer chemotherapy under an individual contract or a group contract on the same basis as the health maintenance organization processes a claim for cancer chemotherapy that is administered intravenously or by injection."

(d)".

Page 2, delete lines 30 through 38.

and when so amended that said bill do pass.

(Reference is to SB 437 as printed February 13, 2009.)

FRY, Chair

Committee Vote: yeas 10, nays 0.

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